

## Decision

IN THE MATTER OF  
UNITED CIGAR-WHELAN STORES CORPORATION  
CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF  
THE FEDERAL TRADE COMMISSION ACT

*Docket 6808. Complaint, May 23, 1957—Decision, Sept. 28, 1957*

Consent order requiring a corporation in Brooklyn, N.Y., operating a large number of company-owned retail stores and selling also to individually owned stores operating under franchise agreements, to cease representing falsely in advertising in newspapers and on display cards and circulars furnished its said dealers that its "Imported Precision-made Food Slicer" was of a value greatly in excess of the advertised selling price and was unexcelled for safety.

*Mr. Harry E. Middleton, Jr.*, for the Commission.

*Mr. Alvah K. Parent*, of Brooklyn, N.Y., and *Aranow, Brodsky, Bohlinger, Einhorn & Dann*, by *Mr. Herbert A. Einhorn*, of New York, N.Y., for respondent.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

On May 23, 1957, complaint herein was issued, charging Respondent with the use of false, misleading and deceptive representations in connection with the distribution and sale in commerce of its "Imported Precision-made Food Slicer," which representations constitute unfair methods of competition and unfair and deceptive acts and practices in commerce, in violation of the Federal Trade Commission Act.

On August 14, 1957, Respondent, its counsel, and counsel supporting the complaint entered into an Agreement Containing Consent Order To Cease And Desist, which was approved by the Director and the Assistant Director of the Commission's Bureau of Litigation, and thereafter submitted to the Hearing Examiner for consideration.

Respondent is identified in the agreement as a Delaware corporation, with its office and principal place of business located at 82 39th Street, Brooklyn, New York.

Respondent admits all the jurisdictional facts alleged in the complaint and agrees that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations.

Respondent, in the agreement, waives any further procedure before the Hearing Examiner and the Commission; the making of findings

of fact or conclusions of law; and all the rights it may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement. All parties agree that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and the agreement; that the order to cease and desist as contained in the agreement shall have the same force and effect as if entered after a full hearing, and may be altered, modified or set aside in the manner provided for other orders; that the complaint herein may be used in construing the terms of said order; and that the agreement is for settlement purposes only and does not constitute an admission by Respondent that it has violated the law as alleged in the complaint.

After consideration of the allegations of the complaint and the provisions of the agreement and the proposed order, the Hearing Examiner is of the opinion that such order constitutes a satisfactory disposition of this proceeding. Accordingly, in consonance with the terms of the aforesaid agreement, the Hearing Examiner accepts the Agreement Containing Consent Order To Cease And Desist; finds that the Commission has jurisdiction over the Respondent and over its acts and practices as alleged in the complaint; and finds that this proceeding is in the public interest. Therefore,

*It is ordered,* That Respondent United Cigar-Whelan Stores Corporation and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of food slicers, or other merchandise, do forthwith cease and desist from:

1. Representing, directly or by implication, that imported food slicers or other merchandise have a specific value when such stated value (a) is in excess of the price at which said imported food slicers or other merchandise are regularly and usually sold in the normal course of business at retail by other persons or firms; or (b) is in excess of the prevailing market price at the time of such representation;
2. Representing, directly or by implication, that a certain amount is Respondent's usual or regular retail price for its imported food slicers or any other merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail by Respondent;
3. Representing, directly or by implication, that its said food slicer is safe, or misrepresenting in any manner, the safety with which any mechanical cutting device may be used.

## DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 28th day of September, 1957, become the decision of the Commission; and, accordingly;

*It is ordered,* That respondent United Cigar-Whelan Stores Corporation, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

IN THE MATTER OF  
ALLIED STORES OF OHIO, INC., TRADING AS THE  
ROLLMAN SONS COMPANY

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF  
THE FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACT

*Docket 6805. Complaint, May 20, 1957—Decision, Oct. 1, 1957*

Consent order requiring a furrier in Cincinnati, Ohio, to cease violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements; and by advertising which failed to disclose the names of animals producing the fur in certain products or that certain fur was artificially colored, and failed to set forth the description "dyed mouton processed lamb" as required.

*Mr. S. F. House* for the Commission.

*Sullivan & Cromwell*, by *Mr. Robert A. McDowell* of New York, N.Y., for respondent.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, the Federal Trade Commission on May 20, 1957, issued and subsequently served its complaint in this proceeding against respondent Allied Stores of Ohio, Inc., a corporation, trading as The Rollman Sons Company, existing and doing business under and by virtue of the laws of the State of Ohio, with its office and principal place of business located at Fifth and Vine Streets, Cincinnati, Ohio.

On August 9, 1957, there was submitted to the undersigned hearing examiner an agreement between respondent and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, respondent admits all the jurisdictional facts alleged in the complaint and agrees that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. By such agreement, respondent waives any further procedural steps before the hearing examiner and the Commission; waives the making of findings of fact and conclusions of law; and waives all of the rights it may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement. Such agreement further provides that it disposes of all of this proceeding as to all parties; that the record on which this initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement; that the latter shall not become a part of the official